IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19509 of 2004

Between:

Sanku Venkata Ramana Murthy S/o Adinarayana
R/o Buvvanapalli Village, Nidamarru Mandal, West Godavari District

..... PETITIONER

AND

1 The Assistant Executive Engineer, Roads & Buildings Department

Ganapavaram, Mandal, West Godavari district
2 The Deputy Executive Engineer, Roads & Buildings Department,

Tadepalligudem, West Godavari District.
3 The Senior Executive Engineer Roads & Buildings Department,

Eluru, West Godavari District
4 The Village Secretary, Buvvanapalli Village, Nidamarru Mandal,

West Godavari District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of a Writ of Mandamus declaring the proceedings of the Respondent No.1 dt 20-9-2004, in directing to demolish the structures over my land without proper inquiry and without giving any notice as illegal, arbitrary and unconstitutional.

Counsel for the Petitioner:MR.N.CHANDRADHAR RAO

Counsel for the Respondents: GP FOR ROADS & BUILDINGS

The Court at the stage of admission made the following :

ORDER:

The petitioner is contending that he is the owner of 48 square yards of land situated in Survey Nos. 265/2 and 265/3. The respondent Department is contending that it is their site. The petitioner approached this Court through this writ petition seeking to declare the notice issued by the respondent dated 20-09-2004 as illegal and arbitrary. There is a disputed question of fact regarding the title over the property. The Civil Court is the appropriate forum to adjudicate the matter. The writ cannot be maintained under Article 226 of the Constitution of India when there is a disputed question of fact.

The writ petition is accordingly dismissed. The petitioner is at liberty to approach the Civil Court for appropriate remedy.

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Dr. G. Yethirajulu, J.

Dt:25th October, 2004.

Rns.

To

1 The Assistant Executive Engineer,

Roads & Buildings Department

Ganapavaram, Mandal, West Godavari district

2 The Deputy Executive Engineer,

Roads & Buildings Department,

Tadepalligudem, West Godavari District.

3 The Senior Executive Engineer,

Roads & Buildings Department,

Eluru, West Godavari District

4 The Village Secretary,

Buvvanapalli Village, Nidamarru Mandal,

West Godavari District

5. Two CCs to GP for roads & buildings,

High Court of A.P.Hyderabad.(OUT),

6 Two CD copies.